

144

SEPTEMBER 11, 1989

The Board of Commissioners of Franklin County, North Carolina met in regular session at 7:30 P. M. in the Superior Courtroom of the Franklin County Courthouse with the following Commissioners present: Chairman James B. Alford, Vice Chairman Tommy Wynne, Commissioner Ronald W. Goswick, Commissioner John O. Sledge, III and Commissioner Robert L. Swanson.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried the minutes of Commissioners' meetings held on August 7 and August 21, 1989 approved.

Proper notice having been given, this is the time and place set for a public hearing to receive public comments regarding the Franklin Water & Sewer Authority Articles of Incorporation.

Chairman Alford declared public hearing open at 7:35 P. M. and recognized County Manager Boutwell who made comments pertaining to amendment to the Franklin Water & Sewer Authority Articles of Incorporation.

Chairman Alford then called for public comments and no one spoke.

Chairman Alford declared public hearing closed at 7:45 p. m.

145

Minutes of the meeting held on September 11, 1989 --- Continued

Proper notice having been given, this is the time and place set for a public hearing to receive comments for amendments to the Franklin County Zoning Ordinance.

Chairman Alford declared public hearing open at 8:45 P. M. and recognized County Planner/Zoning Administrator Bob Heuts who made comments on petition to rezone 21 acres north of U. S. 64 and east of N. C. 39 in Dunn Township from R-40 to H. I.

Chairman Alford called for public comments and the following person spoke:

Herbie Horton
Route 2
Zebulon, NC 27597
Requested approval of rezoning petition

County Planner Heuts made comments on petition to rezone 1 acre, southwest quadrant of intersection of N. C. 96 and U. S. 1 in Youngsville Township from L.I. to H.B.

Chairman Alford called for public comments and no one spoke.

County Planner Heuts made comments on the following petitions to rezone property in Harris Township:

9.48 acres, formerly Tri-County Academy School, east of State Road 1103 and north of N. C. 98 from A-R to HB

.8 acres, Hagwood's Grocery Store lot, west of State Road 1103 and south of NC 98 from NB to HB

5 acres, a strip south and parallel to NC 98, 750 feet east of State Road 1103 and 300 feet deep from AR to HB

1.7 acres, TnT Arms store lot, approximately 3/4 of a mile east of State Road 1103 and on the north side of NC 98 from AR to HB

1.5 acres, Jack Strickland Repair Shop lot, the south side of State Road 1720, approximately 500 feet east of the intersection of NC 98 and State Road 1720, 300 feet deep from AR to HB

3.5 acres, Floyd's Grocery Store lot, a strip south and parallel to NC 98, beginning at a point 300 feet west of the intersection of NC 98 and State Road 1720, 500 feet wide and 300 feet deep from NB to HB

1 acre the south side of NC 98 north of State Road 1720, east of the intersection of State Road 1720 and NC 98 from AR to HB

Chairman Alford called for public comments and the following people spoke against the above rezoning petitions:

John Oatfield
Mattie Bell Driver
Laurie Cauras
Route 1, Box 51
Route 1, Box 70
Route 1, Box 53
Louisburg, NC
Louisburg, NC
Louisburg, NC

Diane Driver
Chris Leverett
Route 1, Box 70F
P.O. Box 367
Louisburg, NC
Bunn, NC

Ricky Wiggs
Paula Barnes
Route 1, Box 70F
Route 1, Box 62
Louisburg, NC
Louisburg, NC

The following people spoke in favor of the above rezoning petitions:

Larry Tetterton
Route 1, Box 105
Louisburg, NC

Adell Arnold
Route 1. Box 139
Louisburg, NC

Chairman Alford declared the public hearing closed at 8:35 P. M.

Upon motion by Commissioner Goswick, seconded by Commissioner Swanson with all present voting "AYE" duly carried upon the recommendation of the Franklin County Planning Board deny approval of rezoning petition to rezone 21 acres north of U. S. 64 and east of N. C. 39 in Dunn Township, from R-40 to Heavy Industrial.

Upon motion by Commissioner Sledge, seconded by Commissioner Goswick with all present voting "AYE" duly carried upon the recommendation of the Franklin County Planning Board the following ordinance adopted:

AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE A TRACT OF LAND (1.14 ACRES) LOCATED AT THE INTERSECTION OF NC 96 AND US 1 IN YOUNGSVILLE TOWNSHIP FROM LIGHT INDUSTRIAL TO HIGHWAY BUSINESS

WHEREAS, the Franklin County Planning Board has reviewed said proposal, and favorably recommended amendment per the requirements of the Franklin County Zoning Ordinance; and,

146

Minutes of the meeting held on September 11, 1989---Continued

WHEREAS, a public hearing of the Board of County Commissioners has been scheduled, duly advertised per the requirements of G. S. 153A and conducted on September 11, 1989 at 7:30 P. M.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners has acted favorably on the petition and provides for the following ordinance:

SECTION I That the 1.14 acre tract of land located at the intersection of NC 96 and US 1 in Youngsville Township be rezoned from Light Industrial to Highway Business, and more particularly described as follows: Beginning at a point in the intersection of US 1 and NC 96 then 130 feet to the west and edge of the right-of-way of US 1, then south 239 feet along the edge of the right-of-way of US 1 to a corner, then leaving the right-of-way of US 1 perpendicular and west 210 feet to a corner, then north 239 feet to the centerline of NC 96 and a new corner, then east 340 feet along the centerline of NC 96 to the point of beginning, containing 1.145 acres.

SECTION II That this ordinance shall become effective upon its adoption.
Adopted this the 11th day of September, 1989.

Upon motion by Commissioner Swanson, seconded by Commissioner Goswick with all present voting "AYE" duly carried upon the recommendation of the Franklin County Planning Board the following ordinance adopted:

AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE A TRACT OF LAND (3.5 ACRES) LOCATED ON N. C. 98 IN HARRIS TOWNSHIP TO HIGHWAY BUSINESS

WHEREAS, the Franklin County Planning Board has reviewed said proposal, and favorably recommended amendment per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of County Commissioners has been scheduled, duly advertised per the requirements of G. S. 153A and conducted on September 11, 1989 at 7:30 P. M.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners has acted favorably on the petition and provides for the following ordinance:

SECTION I That the 3.5 acre tract of land located on N. C. 98 in Harris Township be rezoned to Highway Business and more particularly described as follows: Beginning at a point 300 feet west of the intersection of N. C. 98 and State road 1720, south 300 feet perpendicular to N. C. 98 to a new corner, then parallel to N. C. 98 and west 475 feet to a new corner, then north 300 feet to the right-of-way of N. C. 98, then along N. C. 98 east 500 feet to the point of beginning, approximately 3.5 acres located in Harris Township.

SECTION II That this ordinance shall become effective upon its adoption.
Adopted this the 11th day of September, 1989.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried upon the recommendation of the Franklin County Planning Board the following ordinance adopted:

AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE A TRACT OF LAND (2.5 ACRES) LOCATED AT THE INTERSECTION OF STATE ROAD 1716 AND N. C. 98 IN HARRIS TOWNSHIP TO HIGHWAY BUSINESS

WHEREAS, the Franklin County Planning Board has reviewed said proposal and favorably recommended amendment per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of County Commissioners has been scheduled, duly advertised per the requirements of G. S. 153A and conducted on September 11, 1989 at 7:30 P. M.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners has acted favorably on the petition and provides for the following ordinance:

SECTION I That the 2.5 acre tract of land located at the intersection of State Road 1716 and N.C. 98 in - Harris Township be rezoned to Highway Business, and more particularly described as follows:Beginning at a point in the intersection of N. C. 98 and State Road 1716, then along the right-of way of N. C. 98 475 feet west to a corner, then leaving N. C. 98 300 feet south to State Road 1716, then crossing State Road 1716, perpendicular to State Road 1716, and further south 300 feet to a corner, then west 250 feet parallel to State Road 1716 to a new corner, then north 300 feet to State Road 1716, a new corner, then along the right-of-way of State Road 1716 west 420 feet to the point of beginning,containing approximately 2.5 acres, located in Harris Township.

SECTION II That this ordinance shall become effective upon its adoption.
ADOPTED this the 11th day of September, 1989.

147

Minutes of the meeting held on September 11, 1989 --- Continued

Upon motion by Commissioner Swanson, seconded by Commissioner Sledge with all present voting "AYE" duly carried upon the recommendation of the Franklin County Planning Board the following ordinance adopted:

AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE A TRACT OF LAND (.8 ACRES) LOCATED AT THE INTERSECTION OF STATE ROAD 1103 AND N. C. 98 IN HARRIS TOWNSHIP TO HIGHWAY BUSINESS

WHEREAS, the Franklin County Planning Board has reviewed said proposal, and favorably recommended amendment per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of County Commissioners has been scheduled, duly advertised per the requirements of G. S. 153A and conducted on September 11, 1989 at 7:30 P. M.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners has acted favorably on the petition and provides for the following ordinance:

SECTION I That the .8 acre tract of land located at the intersection of State Road 1103 and N. C. 98 in Harris Township be rezoned to Highway Business, and more particularly described as follows: Beginning at a point in the intersection of State Road 1103 and N. C. 98, then south on State Road 1103, 200 feet to a corner, then leaving State Road 1103, parallel to N. C. 98, west 165 feet to a corner, then north 165 feet to the right-of-way of N. C. 98 to a corner, then east 350 feet along the right-of-way of N. C. 98 to point of beginning, containing approximately .8 acres, located in Harris Township.

SECTION 11 That this ordinance shall become effective upon its adoption.
ADOPTED this the 11th day of September, 1989.

Upon motion by Commissioner Sledge, seconded by Commissioner Goswick with all present voting "AYE" duly carried upon the recommendation of the Franklin County Planning Board the following ordinance adopted:

AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE A TRACT OF LAND (9.48 ACRES) LOCATED AT THE INTERSECTION OF STATE ROAD 1103 AND N. C. 98 IN HARRIS TOWNSHIP TO HIGHWAY BUSINESS

WHEREAS, the Franklin County Planning Board has reviewed said proposal, and favorably recommended amendment per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of County Commissioners has been scheduled, duly advertised per the requirements of G. S. 153A and conducted on September 11, 1989 at 7:30 P. M.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners has acted favorably on the petition and provides for the following ordinance:

SECTION I That the 9.48 acre tract of land located at the intersection of State Road 1103 and N. C. 98 in Harris Township be rezoned to Highway Business and more particularly described as follows: Beginning at a point in the intersection of N. C. 98 and State Road 1103 then north 1,120 feet along the right-of-way of State Road 1103 to corner, then leaving State Road 1103, east 250 feet to a corner then south 1,010 feet to a corner and right-of-way of N. C. 98, then along the right-of-way of N. C. 98, west 763 feet to the point of beginning, containing approximately 9.48 acres.

SECTION II That this ordinance shall become effective upon its adoption.
ADOPTED -this the 11th day of September, 1989.

Upon motion by Commissioner Goswick, seconded by Commissioner Wynne with all present voting "AYE" duly carried Upon the recommendation of the Franklin County Planning Board the following ordinance adopted:

AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE A TRACT OF LAND (1.7 ACRES) LOCATED ON N.C. 98 IN HARRIS TOWNSHIP TO HIGHWAY BUSINESS

WHEREAS, the Franklin County Planning Board has reviewed said proposal, and favorably recommended amendment per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of County Commissioners has been scheduled, duly advertised per the requirements of G. S. 153A and conducted on September 11, 1989 at 7:30 P. M.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners has acted favorably on the petition and provides for the following ordinance:

SECTION I That the 1.7 acre tract of land located on N. C. 98 in Harris Township be rezoned to Highway Business, and more particularly described as follows: Beginning at a point 300 feet west of the intersection of State Road 1720 and N. C. 98 then further west along N. C. 98 165 feet to a corner, then leaving N. C. 98 north 350 feet to a corner, then east 240 feet to a corner, then south 350 feet to the right-of-way of N. C. 98 and the point of beginning, containing approximately 1.7 acres.

SECTION II That this ordinance shall become effective upon its adoption.
ADOPTED this the 11th day of September, 1989.

148

Minutes of the meeting of held September 11, 1989 --- Continued

Upon motion by Commissioner Goswick, seconded by Commissioner Sledge with all present voting "AYE" duly carried upon the recommendation of the Franklin County Planning Board the following ordinance adopted:

AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE A TRACT OF LAND (5 ACRES) LOCATED AT THE INTERSECTION OF STATE ROAD 1103 AND N. C. 98 IN HARRIS TOWNSHIP TO HIGHWAY BUSINESS

WHEREAS, the Franklin County Planning Board has reviewed said proposal and favorably recommended amendment per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of County Commissioners has been scheduled, duly advertised per the requirements of G. S. 153A and conducted on September 11, 1989 at 7:30 P. M.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners has acted favorably on the petition and provides for the following ordinance:

SECTION I That the 5 acre tract of land located at the intersection of State Road 1103 and N. C. 98 in Harris Township be rezoned to Highway Business, and more particularly described as follows: Beginning at a point in the intersection of State Road 1103 and N. C. 98, then east 750 feet to a corner, then leaving N. C. 98 south 300 feet perpendicular to N. C. 98, to a corner, then a new line parallel to N. C. 98, west approximately 900 feet to the right-of-way of State Road 1103, then along the right-of-way of State Road

1103, north approximately 300 feet to point of beginning, containing approximately 5 acres located in Harris Township.

SECTION II That this ordinance shall become effective upon its adoption.
ADOPTED this the 11th day of September, 1989.

Upon motion by Commissioner Goswick, seconded by Commissioner Sledge with all present voting "AYE" duly carried the following ordinance adopted upon the recommendation of the Franklin County Planning Board:

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE A
TRACT OF
LAND (3.12 ACRES) LOCATED ON N. C. 98 IN HARRIS TOWNSHIP FROM
AGRICULTURAL-RESIDENTIAL TO HIGHWAY BUSINESS**

WHEREAS, the Franklin County Planning Board has reviewed said proposal and favorably recommended amendment per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of County Commissioners has been scheduled, duly advertised per the requirements of G.S. 153A and conducted on August 7, 1989 at 7:30 P. M.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners has acted favorably on the petition and provides for the following amending ordinance:

SECTION I That the 3.12 acre tract of land located in Harris Township on the north side of N. C. 98 be rezoned from Agricultural-Residential to Highway Business and more particularly described as follows: Beginning at a P.K. nail set in the center line of North Carolina Highway 98, said point of beginning being designated by an iron pin located North 08 degrees 06 minutes 40 seconds east 31.90 feet from said P.K. nail and said point of beginning being the Southeast corner of the tract herein described and the Southwest corner for Stone; running thence from said point of beginning and in a Westerly direction along the center line of North Carolina Highway 98, the following two (2) courses and distances: North 62 degrees 00 minutes 57 seconds West 82.24 feet and North 64 degrees 37 minutes 06 seconds West 107.93 feet to a P.K. nail set in the center line of North Carolina Highway 98, the Southeast corner of CMCR Properties; thence leaving said Highway and running along the Eastern line for CMCR Properties, North 07 degrees 03 minutes 10 seconds East 719.45 feet to an iron stake, Zarzar's corner; thence along the Zarzar line, South 82 degrees 51 minutes 40 seconds East 193.72 feet to an iron pin, Zarzar's corner; thence continuing along Zarzar's line, South 08 degrees 06 minutes 45 seconds West 514.79 feet to an iron pin, the Northeast corner for the Hagwood Cemetery; thence around said Cemetery, the following three (3) courses and distances; North 81 degrees 53 minutes 00 seconds West 45 feet; South 08 degrees 08 minutes 05 seconds West 90.66 feet and South 81 degrees 50 minutes 10 seconds East 45.05 feet to an existing iron pin; thence South 08 degrees 06 minutes 40 seconds West 177.13 feet to a P.K. nail set in the center line of North Carolina Highway 98, the point and place of beginning and containing 3.12 gross acres, according to Map of W. Graham Cawthorne, Jr., R.L.S., dated January 16, 1989.

SECTION II That this ordinance shall become effective upon its adoption.
ADOPTED this the 11th day of September, 1989.

Upon motion by Commissioner Sledge, seconded by Commissioner Goswick with all present voting "AYE" duly carried upon the recommendation of the Franklin County Planning Board the following ordinance adopted:

AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (TEXT) FOR THE
ADDITION
OF A CONDITIONAL USE BED AND BREAKFAST IN THE RESIDENTIAL DISTRICTS

WHEREAS, the Franklin County Board of Commissioners duly adopted the Franklin County Zoning Ordinance on January 5, 1989; and,

149

Minutes of the meeting held September 11, 1989 --- Continued

WHEREAS, the Franklin County Planning Board has provided a recommendation per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of Commissioners has been scheduled, duly advertised, per the requirements of 153A and conducted on August 7, 1989; and,

NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners provides the following amending ordinance.

SECTION I That Article II District Regulation, Section II-1c, II-8c, II-9c be amended to include the following conditional use; Bed and Breakfast, provided the following conditions exist:

1. Located on a lot 1 acre or larger.
2. No more than five guest rooms
3. Owner/manager live on site.
4. Compatible with neighborhood.
5. Off-street parking at one per guest room and one for owner/manager
6. Meet all applicable local and state health and building code requirements.

SECTION II That this ordinance shall become effective upon its adoption.
ADOPTED -this the 11th day of September, 1989.

Upon motion by Commissioner Sledge, seconded by Commissioner Goswick with all present voting "AYE" duly carried the following resolution amending the Franklin Water & Sewer Authority Articles of Incorporation approved:

**RESOLUTION AMENDING THE ARTICLES OF INCORPORATION OF THE
FRANKLIN WATER AND SEWER AUTHORITY**

WHEREAS, the governing bodies of the Town of Franklinton, Town of Bunn, Town of Youngsville, and the County of Franklin duly adopted resolutions signifying the determination to organize an authority under the provisions of Chapter 162A of the General Statutes of North Carolina, including Articles of Incorporation for such authority; and,

WHEREAS, the Honorable Thad Eure, Secretary of State of the State of North Carolina certified that the Franklin Water and Sewer Authority was duly incorporated as a public body and a body politic and corporate for the purposes set forth in Chapter 162A of the General Statutes of North Carolina with hand and affixed seal done in office at Raleigh on the 8th day of November, 1985; and,

WHEREAS, Section C of the Articles of Incorporation of the Franklin Water and Sewer Authority states "the Franklin Water and Sewer Authority shall have nine members, two appointed by each of said organizing political subdivision and one member to be appointed by the representatives of the respective three municipalities and the county..."; and,

WHEREAS, Section C of the said Articles of Incorporation are inconsistent with North Carolina General Statute 162A-5; and,

WHEREAS, the member governing bodies of the Franklin Water and Sewer Authority desire to have the Articles of Incorporation consistent with the General Statutes of North Carolina,

NOW, THEREFORE, BE IT RESOLVED by the Franklin County Board of Commissioners that Section C of the Articles of Incorporation of the Franklin Water and Sewer Authority be amended to delete the following:

The Franklin Water and Sewer Authority shall have nine members, two appointed by each of said organizing political subdivisions and one member to be appointed by the representatives of the respective three municipalities and the county.

BE IT FURTHER RESOLVED that Section C of the Articles of Incorporation of the Franklin Water and Sewer Authority shall read to wit:

The Franklin Water and Sewer Authority shall have eight members, two appointed by each of said organizing political subdivisions. The duly elected chairman shall vote only in the event of a tie. ADOPTED this the 11th day of September, 1989.

Upon motion by Commissioner Sledge, seconded by Commissioner Wynne with all present voting "AYE" duly carried that a public hearing be held on Monday, September 18, 1989 during the meeting of the Board of Commissioners, which begins at 7:30 P. M. to receive public comments on the Redevelopment Plan for the Horseshoe Community Improvement Project.

Upon motion by Commissioner Swanson, seconded by Commissioner with all present voting "AYE" duly carried the following items declared surplus property and offered for sale by sealed bid:

One (1) Mohawk Model A-7 7000 pound Asymmetrical Automobile Lift

One 40' x 60' Steel Building

150

Minutes of the meeting held on September 11, 1989 --- Continued

Upon motion by Commissioner Wynne, seconded by Commissioner Sledge with all present voting "AYE" duly carried that due to state law, the term of office on the Franklin County Nursing Home Community Advisory Committee for Agnes Merritt and Linda Payne be changed to one year in lieu of three years.

Pursuant to and in accordance with G. S. 143-318.11 and upon motion by Commissioner Wynne, seconded by Commissioner Sledge with all present voting "AYE" duly carried the Board went into executive session to discuss land acquisition.

The Board reconvened into regular session and no action taken as a result of executive session.

Upon motion by Commissioner Sledge, seconded by Commissioner Wynne with all present voting "AYE" duly carried that petitions presented to the Board of Commissioners must contain names and addresses or they will not be accepted.

There being no further business to come before the Board, adjournment recorded at 9:45 P. M.

.